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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,216	11/17/2000	James M. Salerno		6808

7590

12/18/2001

Irving Keschner  
21515 Hawthorne Boulevard Suite 1150  
Torrance, CA 90503

EXAMINER

COLLINS, DOLORES R

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/715,216

Applicant(s)

SALERNO, JAMES M.

Examiner

Dolores R. Collins

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: On page 4, line of the specification reference character "22" is described as a Velcro Loop, on line 10 it is describes<sup>d</sup> and a loop member and on page 5, line 9 it is described as a loop. Reference character "30" has similar occurrences. Reference character definitions throughout the specification need to be reviewed for consistency.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sui in view of Rodebaugh et al. and Schumann (404) and further in view of Seibert.

Sui discloses a Disposable Table Cloth.

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Regarding claims 1-11

Sui teaches:

- a fabric table cloth having a predetermined shape and size with a fastening member secured to the bottom surface of the border/tab (see figure 1);
- a border which extends continuously around the circumference of the table cloth (see figures 1-5);
- a table cloth with flaps (see figures 1-5)

and

- a table cloth with Velcro Members (see figure 1A reference character "21").

Sui fails to explicitly teach metal strips with hook members extending from his table to which that tablecloth can be attached by loops.

Rodebaugh et al. discloses a Cover For Outdoor Table And Benches.

Rodebaugh teaches a tablecloth with loops attached to it (see figure 19 and col. 3, lines 5-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the table cloth taught by Sui in order to provide an extra means of security for the table covering.

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Schumann discloses a Holding Device. His holding device teaches a hook body that has access to a grip tab/loop (see abstract and figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a hook as taught by Schumann to the modified table cloth of Sui as a means of security also.

Seibert discloses a Gaming Table Cloth.

Seibert is used to show that tablecloths with gaming indicia are well known in the art.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kring, Ehrlich, Dougherty, Van Stratum, Figueroa, Walker, Conway et al., Schuman (404) & (864), Di Fronzo, Kweito et al., PirkI et al., Pacione, Brown and Hairston et al. are cited to show the state of art with respect to features of the claimed invention.

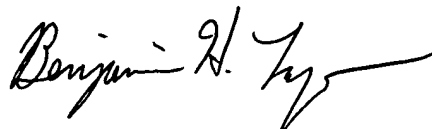
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(703) 308-8352**. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **PAUL SEWELL** can be reached on **(703) 308-2126**. The fax phone numbers for the organization where this application or proceeding is assigned are **(703) 305-3579** for regular communications and **(703) 305-3579** for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 308-1148**.

  
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December 11, 2001

  
Benjamin H. Layno  
Primary Examiner